

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 679

Introduced by Senator Ortiz

February 21, 2003

An act to add Article 21 (commencing with Section 114500) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurants.

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Ortiz. ~~Fast food restaurants~~ *Restaurants:* nutritional information.

Existing law, the California Uniform Retail Food Facilities Law (CURFFL), provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. *Under existing law, local health agencies are primarily responsible for enforcing CURFFL.* A violation of any of these provisions is punishable as a misdemeanor.

This bill would require each restaurant in this state that is part of a large chain ~~of fast food restaurants~~, as defined, to provide customers with complete nutritional information, upon request, on all food items sold at the restaurant. This bill would also require the restaurant to post a sign on the premises of the restaurant that nutritional information concerning food items is available upon request. *This bill would provide that any restaurant that violates these provisions is subject to a \$250 civil penalty, and that violation of the provisions of the bill is not a misdemeanor.*

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~By expanding the definition of a crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *Research continues to reveal the strong link between diet*
4 *and health, and that diet-related diseases start early in life.*

5 (b) *Increased caloric intake is a key factor contributing to the*
6 *alarming increase in obesity in the United States. According to the*
7 *federal Center for Disease Control and Prevention, two-thirds of*
8 *American adults are overweight or obese, and the rates of obesity*
9 *in children and teens have tripled since 1980. Obesity increases the*
10 *risk of diabetes, heart disease, stroke, and other health problems.*
11 *Each year obesity costs families, businesses, and governments*
12 *\$117 billion.*

13 (c) *Excess saturated fat intake is a major risk factor for heart*
14 *disease, which is the leading cause of death in the United States.*
15 *While it is often thought to primarily affect men and older people,*
16 *cardiovascular disease is the leading killer of women and kills*

1 61,000 people between the ages of 45 and 64 years each year.
2 Heart disease is also a leading cause of disability among working
3 adults and its impact on the national economy is significant,
4 estimated in 2001 to total \$298 billion in health care expenditures
5 and lost productivity.

6 (d) Increased sodium intake is associated with increased risk of
7 high blood pressure, or hypertension, a condition that can lead to
8 cardiovascular disease, especially stroke. The proportion of
9 Americans with high blood pressure is 45 percent at age 50 years,
10 60 percent at age 60 years, and over 70 percent at age 70 years.

11 (e) Over the past two decades, there has been a significant
12 increase in the number of meals prepared and eaten outside the
13 home, with an estimated one-third of calories and almost one-half
14 (46 percent) of total food dollars being spent on food purchased
15 from and eaten at restaurants and other food-service
16 establishments.

17 (f) While nutrition labeling is currently required on most
18 packaged foods, this information is required only for restaurant
19 foods for which nutrient content or health claims are made.

20 (g) Three-quarters of American adults report using food labels
21 on packaged foods, which are required by the federal Nutrition
22 Labeling and Education Act of 1990. Using food labels is
23 associated with eating more healthful diets, and approximately
24 one-half (48 percent) of people report that the nutrition
25 information on food labels has caused them to change their minds
26 about buying a food product.

27 (h) It is difficult for consumers to limit their intake of calories
28 at restaurants, given the limited availability of nutritional
29 information, as well as the popular practice by many restaurants
30 of providing foods in larger-than-standard servings and
31 “super-sized” portions. Studies show that people eat greater
32 quantities of food when they are served more.

33 SEC. 2. Article 21 (commencing with Section 114500) is
34 added to Chapter 4 of Part 7 of Division 104 of the Health and
35 Safety Code, to read:

36
37 Article 21. Restaurant Nutrition
38

39 114500. (a) Each restaurant in this state that is part of a large
40 chain of fast food restaurants shall provide customers in this state

1 with complete nutritional information, upon request, on all food
2 items sold at the restaurant. The restaurant shall also post a sign on
3 the premises that nutritional information concerning food items
4 served at the restaurant is available upon request. *The sign shall be*
5 *conspicuous and visible at the counter area in restaurants where*
6 *customers order food at a counter, or visible near the front*
7 *entrance in restaurants where customers order from tables and not*
8 *at a counter. The sign may be incorporated into other signs as long*
9 *as the sign meets the requirements of this section.*

10 (b) The information provided to the customer pursuant to this
11 section shall be in printed form, such as a flyer or pamphlet, that
12 the customer may keep.

13 (c) For the purposes of this section, nutritional information
14 provided by a restaurant to a customer shall include, *at a minimum,*
15 the same information that is required by federal law to appear in
16 nutrition labeling pursuant to subsection (q) of Section 343 of Title
17 21 of the United States Code.

18 ~~(d) For the purposes of this section, the following definitions~~
19 ~~apply:~~

20 ~~(1) “Large chain” means a chain of restaurants that includes 10~~
21 ~~or more franchises or restaurants in this state.~~

22 ~~(2) “Fast food restaurant” means a restaurant that sells~~
23 ~~low-cost food products often on a “take out” or “to go” basis to~~
24 ~~customers who pay in advance for their food.~~

25 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
26 ~~Section 6 of Article XIII B of the California Constitution because~~
27 ~~the only costs that may be incurred by a local agency or school~~
28 ~~district will be incurred because this act creates a new crime or~~
29 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
30 ~~for a crime or infraction, within the meaning of Section 17556 of~~
31 ~~the Government Code, or changes the definition of a crime within~~
32 ~~the meaning of Section 6 of Article XIII B of the California~~
33 ~~Constitution.~~

34 ~~(d) Subdivision (a) does not apply to items that are on the menu~~
35 ~~for less than six months.~~

36 (e) *The nutritional information may include a disclaimer that*
37 *acknowledges that there may be minimal variations in nutritional*
38 *content across servings, based on slight variations in overall size*
39 *and quantities of ingredients, and based on special ordering.*

1 (f) *The restaurant shall obtain the nutritional analysis required*
2 *by this bill from an independent nutrition testing lab.*

3 (g) *The duty of an enforcement officer to enforce this section is*
4 *limited to conducting an inspection in the course of regular health*
5 *inspections of restaurants, and confirming the presence of the*
6 *required sign, the availability of nutritional information for*
7 *customers, and the completeness of that information.*

8 (h) *A restaurant that violates this section is subject to a civil*
9 *penalty in the amount of two hundred fifty dollars (\$250) for each*
10 *violation, which may be assessed by an enforcement officer.*
11 *Notwithstanding Section 113935, a violation of this section is not*
12 *a misdemeanor.*

13 (i) *For the purposes of this section, “large chain” means a*
14 *chain of restaurants that includes 10 or more franchises or*
15 *restaurants in this state.*

16 SEC. 2. *Notwithstanding Section 17610 of the Government*
17 *Code, if the Commission on State Mandates determines that this*
18 *act contains costs mandated by the state, reimbursement to local*
19 *agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code. If the statewide cost of the*
22 *claim for reimbursement does not exceed one million dollars*
23 *(\$1,000,000), reimbursement shall be made from the State*
24 *Mandates Claims Fund.*

